

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
FEBRUARY 3, 2004
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Daniel S. Power, Vivian Rojas, and Anthony W. Cobos. Late Arrival: Paul J. Escobar arrived at 9:12 a.m. Absent: None. Meeting was called to order at approximately 9:06 a.m. and the invocation was given by Police Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. *Pedestrian Safety Month*
2. *Children's Dental Health Month*
3. *2004 El Paso Golden Gloves Tournament Week*

No action was taken on the following item: A different kind of police brutality. [Anita Blair]

Ms. Blair commented on the dangerous work performed by the El Paso Police Officers.

No action was taken on the following item: Please vote for the amendments to the City Charter. [Anita Blair]

Ms. Blair encouraged voters to approve the amendments placed on the February 7, 2004, City of El Paso Charter election ballot.

*Motion made, seconded and unanimously carried to delete the following item: Request for assistance with retraining situation. [Carmen Jimenez, Media Copy Worker Committee]

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City, accept a donation from the El Paso Country Club of the food to be served at the Police Department's Annual Awards Ceremony to be held on Friday, March 12, 2004. The total value of the donation is \$3,000.00.

Interim Police Chief Richard Wiles thanked the El Paso Country Club for the use of their facilities for the Police Department's Annual Awards ceremony.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to approve the above Resolution.

Representative Power was not present for the vote.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

Representative Rojas was not present for the vote.

*Motion made, seconded and unanimously carried to approve the Minutes for the Regular City Council Meeting of January 27, 2004.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Lessor's Approval of Assignment between the City of El Paso, ("Lessor"), Teachers Insurance and Annuity Association of America ("Assignor"), and GKW Properties, LTD. ("Assignee") regarding the Industrial Site Lease dated December 1, 1975 covering the property described as Lots 2, 3, 4, 8, 9 and 10, Block 9, El Paso International Airport Tracts, Unit 7, City of El Paso, El Paso County, Texas, municipally known and numbered as 8037 Lockheed.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following contract on behalf of the Arts and Culture Department to present the following group at the FY04 Music Under the Stars World Festival, to be held at the Chamizal National Memorial, as recommended by the Arts and Culture Department staff and Arts and Culture Advisory Board.

1. Juan Contreras for Mariachi Los Arrieros; one performance on Sunday, June 20, 2004; cost of \$2,500.

***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 17th day of June, 2003, after due notice and hearing, ordered JOSEPHINE JONES, record Owner of the hereinafter described property that the Buildings be demolished within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Buildings and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to demolish the Buildings and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for Building Permitting and Inspections Department has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council determines the actual cost of demolishing the Buildings and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

The South 40 Feet of Lots 23, 24, 25 and 26, Block 77, Supplemental Map No. 1 of the East El Paso, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 1, Page 51, Plat Records of El Paso County, Texas, municipally known and numbered as 715 North Cebada Street, El Paso, Texas,

to be \$4,482.16, performed by the Street Department of the City of El Paso, \$1,455.85 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report making a total of \$5,938.01. The City Council finds that the work was completed on the 12th day of September, 2003, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of FIVE THOUSAND NINE HUNDRED THIRTY-EIGHT and 01/XX DOLLARS (\$5,938. 01) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 26th day of August, 2003, after due notice and hearing, ordered RICARDO MARTINEZ AND GUADALUPE A. MARTINEZ, record Owners of the hereinafter described property that the Buildings be demolished within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owners having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Buildings and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to demolish the Buildings and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for Building Permitting and Inspections Department has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council determines the actual cost of demolishing the Buildings and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

A portion of Lots 11, 12 and 13, Block 19, Bassett Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the Map thereof on File in Book 5, Page 21, Plat Records of El Paso County, Texas, municipally known and numbered as 1802 Olive Avenue,

to be \$3,343.95, performed by the Street Department of the City of El Paso, \$1,502.40 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report making a total of \$4,846.35. The City Council finds that the work was completed on the 31st day of October, 2003, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of FOUR THOUSAND EIGHT HUNDRED FORTY-SIX and 35/XX DOLLARS (\$4,846.35) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 22nd day of July, 2003, after due notice and hearing, ordered FRANCISCO LERMA, SR., c/o JOSE R. RODRIGUEZ, record Owners of the hereinafter described property that the Buildings be demolished within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owners having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Buildings and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to demolish the Buildings and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for Building Permitting and Inspections Department has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council determines the actual cost of demolishing the Buildings and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lot 24, Block 3, Womble Addition, an Addition to the City of El Paso, El Paso County, Texas according to the map thereof on File in Book 13, Page 32, Plat Records of El Paso County, Texas, municipally known and numbered as 5915 Cleveland Avenue,

to be \$a4,335.49, performed by the Street Department of the City of El Paso, \$1,509.75 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report making a total of \$5,845.24. The City Council finds that the work was completed on the 15th day of October, 2003, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of FIVE THOUSAND EIGHT HUNDRED FORTY-FIVE and 24/XX DOLLARS (\$5,845.24) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 25th day of November, 2003, after due notice and hearing, ordered EUGENIO R. HINOJOSA, JR. AND LETICIA C. HINOJOSA, record Owners of the hereinafter described property that the Buildings be demolished within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owners having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Buildings and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to demolish the Buildings and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for Building Permitting and Inspections Department has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council determines the actual cost of demolishing the Buildings and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

A portion of Lots 8 and 9, Block 1, Alto Mesa Unit One, an Addition to the City of El Paso, El Paso County, Texas, according to the Map thereof on File in Book 55, Page 11, Plat Records of El Paso County, Texas, municipally known and numbered as 118 Northwind,

to be \$26,404.41, performed by the Street Department of the City of El Paso, \$1,296.60 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report making a total of \$27,701.01. The City Council finds that the work was completed on the 4th day of December, 2003, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of TWENTY-SEVEN THOUSAND SEVEN HUNDRED ONE and 01/XX DOLLARS (\$27,701.01) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 5th day of November, 2002, after due notice and hearing, ordered LARRY MASCORRO AND VIRGINIA C. MASCORRO, record Owners of the hereinafter described property that the Building be secured within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owners having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to secure the Building and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to secure the Building and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director of Building Permitting and Inspections Department has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council determines the actual cost of securing the Building and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lot 5, Block 55, Pebble Hills Unit 6, an Addition to the City of El Paso, El Paso County, Texas according to the map thereof on File in Book 46, Page 1, Plat Records of El Paso County, Texas, municipally known and numbered as 3453 Wayside, El Paso, Texas,

to be \$732.41, performed by the Street Department of the City of El Paso, \$1,758.10 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report, making a total of \$2,490.51. The City Council finds that the work was completed on the 15th day of December, 2003, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of TWO THOUSAND FOUR HUNDRED NINETY and 51/XX DOLLARS (\$2,490.51) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 22nd day of May, 2001, after due notice and hearing, ordered EDWARD J. JENKINS AND SUSAN M. JENKINS, record Owners of the hereinafter described property that the Building be secured within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owners having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to secure the Building and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to secure the Building and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director of Building Permitting and Inspections Department has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council determines the actual cost of securing the Building and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lot 2071, Block 85, Mountain View Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 2, Page 23, Plat Records of El Paso County, Texas, municipally known and numbered as 4903 Wichita Circle, El Paso, Texas,

to be \$843.16, performed by the Street Department of the City of El Paso, \$402.21 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report making a total of \$1,245.37. The City Council finds that the work was completed on the 8th day of December, 2003, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of ONE THOUSAND TWO HUNDRED FORTY-FIVE and 37/XX DOLLARS (\$1,245.37) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 20th day of May, 2003, after due notice and hearing, ordered RUBEN ANGUIANO, record Owner of the hereinafter described property that the Buildings be demolished within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Buildings and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to demolish the Buildings and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for Building Permitting and Inspections Department has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council determines the actual cost of demolishing the Buildings and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lots 20 and 21, Block 62, Highland Park Addition, an Addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 2322 Silver Avenue,

to be \$5,117.22, performed by the Street Department of the City of El Paso, \$1,032.00 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report making a total of \$6,149.22. The City Council finds that the work was completed on the 8th day of October, 2003, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of SIX THOUSAND ONE HUNDRED FORTY-NINE and 22/XX DOLLARS (\$6,149.22) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 14th day of January, 2003, after due notice and hearing, ordered MICHAEL AND BETH MANWARING, record Owners of the hereinafter described property that the Building be resecured within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owners having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to resecure the Building and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to resecure the Building and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director of Building Permitting and Inspections Department has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council determines the actual cost of resecuring the Building and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lots 1 and 2, Block 77, Grandview Subdivision, an addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 3831 Mountain Avenue, El Paso, Texas,

to be \$543.02, performed by the Street Department of the City of El Paso. The City Council finds that the work was completed on the 11th day of November, 2003, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of FIVE HUNDRED FORTY-THREE and 02/XX DOLLARS (\$543.02) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 26th day of August, 2003, after due notice and hearing, ordered DANIEL WATLING AND ELLEN WATLING, record Owners of the hereinafter described property that the Building be secured within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owners having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to secure the Building and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to secure the Building and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director of Building Permitting and Inspections Department has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council determines the actual cost of securing the Building and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lot 31, Block 1, Shearman #2, an Addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 10729 Jadestone Street, El Paso, Texas,

to be \$1,406.05, performed by the Street Department of the City of El Paso, \$1,460.75 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report making a total of \$2,866.80. The City Council finds that the work was completed on the 5th day of November, 2003, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of TWO THOUSAND EIGHT HUNDRED SIXTY-SIX and 80/XX DOLLARS (\$2,866.80) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City of El Paso, be authorized to sign the attached Release of Lien on the property (Legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this condemnation lien:

2320 Federal Street \$35.00

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign on behalf of the El Paso City-County Health and Environmental District, the following contract amendment and renewal, and related materials, with the Texas Department of Health:

Immunization Division – Locals
Document No. 7460007499-2005, Attachment No. 03

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **CRISTINA GRIJALVA-GARCIA**, to assist the Museum of Art as a Development Assistant at an hourly rate of \$13.85 not to exceed 30 hours per week. The term of the contract shall be for the period of February 7, 2004 through August 31, 2004. Subject to the concurrence of the Civil Service Commission.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City of El Paso authorizes the Fire Chief to accept a grant in the amount of One Hundred Seven Thousand Forty-three Dollars through the Assistance to Firefighter Grant Program. A 30 % match of \$ 45,876 was provided by the City for this grant. Funds are to be used to provide Vehicle Exhaust Systems for designated Fire Stations.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an agreement accepting an award from the Texas State Library & Archives Commission ("the Commission"), together with related documents, for a grant under the Loan Star Libraries Grant Program (Grant No. 442-04149) in the amount of \$45,349, on behalf of the El Paso Public Library. Funds received under the grant are to be spent on technology, programs, publications, and continuing education at the Library in accordance with the Lone Star Libraries Plan of Action 2004 previously submitted to and approved by the Commission. No matching funds are required.

Representative Rojas asked for more information from Ms. Carol Brey-Casiano, Director of Libraries.

Motion made by Representative Rojas, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the Personal Services Contract between the **CITY OF EL PASO** and **SHEILA D. PUCKETT** to change FLSA classification status from Exempt to Non-Exempt and make employee eligible for overtime pay.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **MARK MATTHYS**, to develop effective relationships with the media and to provide information to the public on city programs, projects, events and city government at a biweekly rate of \$2,307.69. The contract period shall be from February 16, 2004 through February 15, 2005. This contract is subject to the concurrence of the Civil Service Commission.

Representative Cushing questioned whether or not the contract had come before the Civil Service Commission for approval.

Mr. Jim Martinez, Chief Administrative Officer, explained that due to the urgent need to fill the vacancy the contract was presented to the City Council prior to the Civil Service Commission.

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contract on behalf of the PARKS & RECREATION DEPARTMENT. Funding for these contracts is in fiscal year 2003/2004 appropriations to be approved by the City Council.

CAROLINA RECREATION CENTER
DEPARTMENT ID: 51510073, ACCOUNT 502214

CONTRACTOR: Alba Rubio, Kickboxing Instructor
DATES: February 4, 2004 thru August 31, 2004
RATE PER CL: \$9.55
MAXIMUM AMT: \$1,432.50
CONTRACT: 2003/2004-090

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to submit a Police Grant Application to Cintas to request consideration for the award of four automatic external defibrillators to be carried in police vehicles as part of the Cintas Reviver Provider Police Grant Program during the period from February 1, 2004 through November 1, 2006. No matching funds required.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Governmental Agreement by and between the City of El Paso and the County of El Paso, the Center Against Family Violence, the District Attorney's Office Victims Assistance Program, the El Paso City-County Health and Environmental District, the West Texas Community Supervision and Corrections Department, the Child Crisis Center, the El Paso County Sheriff's Office, the El Paso Upper Rio Grande Workforce Development Board, the Ysleta del Sur Pueblo, and Ft. Bliss Military Base, in conjunction with the County's submission of a grant proposal to the Office of Violence Against Women to create a Family Justice Center. The Police Department will provide staff assistance to the Center and to crime victims in conjunction with the services of their Domestic Abuse Response Team.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a Consent to Assignment from Border International Trucks, Inc. to RJ Border International, L.P. dba Border International Trucks with respect to the City of El Paso's contracts #2001-046 Auto Brake Shoes, Pads & Hardware-Heavy Duty Equipment, #2001-155 Cummins Proprietary Parts & Service, #2001-171C2 Suspension & Steering System Components & Related Parts, #2001-178 Navistar/International Proprietary Parts & Service, #2203-014 Bendix Air Brake Devices and #2003-188C2 Bus Transmission Components.

***RESOLUTION**

WHEREAS, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property struck off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code;

NOW, THEREFORE, BE IT RESOLVED:

THAT the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05, Subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as:

The South 40 Feet of Lots 1, 2, 3, and 4, Block 83, Franklin Heights, an Addition to the City of El Paso, being more particularly described in Volume 983, Page 1654, Deed Records, El Paso County, Texas. (PID #F607-999-0830-0100)

.....
***RESOLUTION**

WHEREAS, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property struck off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code;

NOW, THEREFORE, BE IT RESOLVED:

THAT the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05, Subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as:

1.22 acres, more or less, out of Lot 20, Block1, Terrace Hills Addition Unit 3, an Addition to the City of El Paso, being more particularly described in Volume 1567, Page 1352, Deed Records of El Paso County, Texas. (PID #T172-999-0010-7700)

.....
***RESOLUTION**

WHEREAS, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property struck off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code;

NOW, THEREFORE, BE IT RESOLVED:

THAT the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05, Subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as:

Lot 24, Block 4, Stiles Gardens, an Addition to the City of El Paso, being more particularly described in Volume 1379, Page 1072, Deed Records of El Paso County, Texas. (PID #S658-999-0040-2400)

.....
***RESOLUTION**

WHEREAS, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property struck off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code;

NOW, THEREFORE, BE IT RESOLVED:

THAT the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05, Subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as:

The East 9.333 feet of Lot 27, All of Lot 28 and the West 6.5 Feet of Lot 29, Block 76, Franklin Heights Addition, City of El Paso, El Paso County, Texas being more particularly described in Volume 126, Page 1869, Deed Records of El Paso County, Texas. (PID #F607-999-0760-5800)

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a Contract between the City of El Paso and Keep El Paso Beautiful, Inc. in the amount of \$40,000.00 whereby Keep El Paso Beautiful, Inc. agrees to perform services, including educating the community about long-term benefits of developing and maintaining a clean and healthy community for the period beginning at the execution of this contract through August 31, 2004, subject to Civil Service Commission approval.

.....
***NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 2nd day of March, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 10217 Shipley Avenue, in El Paso, Texas, which property is more particularly described as:

Lot 17 plus the East 2 feet of Lot 18, Block 50, Scotsdale 4 Unit 3, an Addition to the City of El Paso, El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Luvania L. Nunez, 10000 Honolulu Drive, El Paso, Texas 79925, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

*Motion made, seconded and unanimously carried to approve the request for the following name to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

*Motion made, seconded and unanimously carried to approve the request to fill the following positions on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

- 14 REGULAR COUNCIL MEETING – FEBRUARY 3, 2004

*Motion made, seconded and unanimously carried to approve the following provisional appointment in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Budget Management Analyst II (1)

*Motion made, seconded and unanimously carried to delete the Staffing Table Change for Airport

Add 1.00 Automotive Service Worker I GS11

*Motion made, seconded and unanimously carried to re-appoint Donald J. Seeley to the City Accessibility Advisory Committee by Representative John Cook, District 4.

*Motion made, seconded and unanimously carried to appoint Maggie Adame-Alvidrez to the Revolving Loan Fund Board by Mayor Joe Wardy.

*Motion made, seconded and unanimously carried to appoint Peter Beste to the Tree Board by Representative John F. Cook, District 4.

*Motion made, seconded and unanimously carried to appoint John M. White to the Tree Board (as the Certified Arborist) by Representative Paul J. Escobar, District 6.

*Motion made, seconded and unanimously carried to approve installation, power, and maintenance of residential street light at the following location:

- A. At 3014 Barkarian Place at a cost of One Thousand Four Hundred Dollars (\$1,400.00).
- B. Between 3409A & 3409B Hickman Street at a cost of One Thousand Two Hundred Dollars (\$1,200.00).

*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #S075-000-0180-06B5, \$299.29 per month installments on a balance of \$10,774.44 for 1999, 2000, 2001, 2002, & 2003 taxes; Gabriel & Debra Salas – 12501 Camino De La R.
- B. PID #V893-999-5530-1500, \$356.20 per month installments on a balance of \$4,274.40 for 2000, 2001 & 2002 taxes; Victor & Irene L. Guevara – 1456 Michelangelo.
- C. PID #2002-999-0093-0042, \$386.88 per month installments on a balance of \$2,321.28 for 2002 taxes; Sierra's Veterinary Supply % George Gay – 1421 Lee Trevino.

*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Lawyers Title of El Paso in the amount of \$5,425.45, overpayment of 2003 taxes.
(PID #C340-999-1440-0300)
- B. Washington Mutual in the amount of \$4,794.15, overpayment of 2003 taxes.
(PID #C834-999-0030-1500)
- C. Stewart Title in the amount of \$2,876.78, overpayment of 2003 taxes.
(PID #N425-999-0310-2000)
- D. GMAC Mortgage Corporation in the amount of \$3,197.06, overpayment of 2003 taxes.
(PID #P585-000-0030-0400)
- E. Hugo J. Rojo & Laura Lazo in the amount of \$5,172.35, overpayment of 2003 taxes.
(PID #R246-999-0150-3700)
- F. GMAC Mortgage Corp. in the amount of \$3,672.30, overpayment of 2003 taxes.
(PID #S380-999-0160-1700)

- G. GMAC Mortgage Corp. in the amount of \$2,954.38, overpayment of 2003 taxes.
(PID #S814-999-0020-0500)
- H. River Oaks Properties in the amount of \$5,205.07, overpayment of 2003 taxes.
(PID #W189-999-0010-0400)
- I. River Oaks Properties in the amount of \$26,530.59, overpayment of 2003 taxes.
(PID #W189-999-0010-0300)
- J. Francois Loth in the amount of \$9,771.44, overpayment of 2003 taxes.
(PID #C883-999-0010-0100)
- K. Stewart Title in the amount of \$3,220.45, overpayment of 2003 taxes.
(PID #S373-999-002A-0400)

*Motion made, seconded and unanimously carried to approve the request authorizing to use Four Thousand Five Hundred Dollars (\$4,500.00) from District 5 Discretionary Funds to install two speed humps on the 11300 and 11400 Block of Pratt Avenue, between George Dieter and Lee Boulevard.

*Motion made, seconded and unanimously carried to approve the request authorizing the Director of Purchasing to issue a Purchase Order to Professional Document Systems, El Paso, Texas, in the amount of \$38,018.00. Professional Document Systems is the local authorized repair representative of OTG Software. OTG Software is the developer of the Optical System software and maintenance of the hardware. Contract period February 1, 2004 through January 31, 2005 and/or any extension thereof. (Contract #2001-110)

Department: Information Technology
Funds available: 39010351-01101-502402
Fund Source: General Funds
Award amount: \$38,018.00

*Motion made, seconded and unanimously carried to award Bid No. 2004-045 New Marty Robbins Recreation Center and Pool Enclosure

Award to: SamCorp General Contractor
El Paso, Texas

Item (s): Base Bid I \$2,921,000.00
Base Bid IA \$ 2,000.00
Alternate #2 \$ 253,000.00
Alternate #3 \$ 634,000.00

Department: Parks and Recreation
Funds available: 31130550/PPW0046028YR2/60031/508027
Funding source: Quality of Life Bond
Total award: \$3,810,000.00

The Departments of Engineering, Purchasing and Parks & Recreation recommend the award of this contract to SamCorp General Contractor as this Offeror has provided the Best Value Proposal. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

Motion made, seconded and unanimously carried to move to the regular agenda Bid No. 2004-021R Public Officials Errors & Omissions Liability Insurance.

Representative Cushing questioned the need for the request for proposal.

Mr. David Almonte, Director of Management & Budget - OMB, explained that in the event an error or omission was made by the professional staff of the City of El Paso, insurance would cover said error or omission.

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to award Bid No. 2004-021R Public Officials Errors & Omissions Liability Insurance.

Award to:	Rogers & Belding Insurance Agency, Inc. El Paso, Texas
Item (s):	All
Amount:	\$207,429.0 (estimated annually)
Department:	Office of Management and Budget
Funds available:	99010273-01101-504402
Funding source:	Government Operations - General Liability Insurance Expense
Total award:	\$622,287.00

The Review Committee and Purchasing Department, based on evaluation factors established for this RFP recommend award to Rogers & Belding Insurance Agency, Inc.

This is a three (3) year contract with the option to extend the contract for two additional one year periods.

Additionally, it is requested authorization for City staff to negotiate, City Attorney's Office to review any related contract documents and agreements necessary and the Mayor to execute and to proceed.

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*Motion made, seconded and unanimously carried to award Bid No. 2004-024 Rental of Portable Restrooms

Award to:	Vendor 1:	Sarabia's Portable Jons El Paso, Texas
Item (s):		Group 1 (Northeast), Group II (Eastside), Group IV (Central) Group V (Northeast) (all items)
Amount:		\$53,000.00 (estimated annually)

Award to:	Vendor 2:	Frontera Sanitation LLC El Paso, Texas
Item (s):		Group III (Lower Valley) (all items)
Amount:		\$19,000.00 (estimated annually)

Department:	Parks and Recreation
Funds available:	51010216-502411
Funding source:	General Fund
Total award:	\$72,000.00

The Parks & Recreation and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Additionally, it is requested that City Council find the bid from Brunson Pump Services is found to be non-responsible.

The bid from Ok Pump Services is found to be non-responsive for failure to sign the bid forms.

Vendor # 1 offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award.

Vendor #2 offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within one (1) year from the date of the contract.

Vendor #2 also offers the City a prompt payment discount of 5% ten (10) days.

It is also requested that the Mayor be authorized to execute budget transfers for this award and projects, as necessary.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

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*Motion made, seconded and unanimously carried to award Bid No. 2004-063 Pool Chemicals-Cal Hypo Chlorine Tablets

Award to: D. Gilmore Distributing Co., Inc.
El Paso, Texas
Item (s): 1
Amount: \$32,147.50 (estimated annually)

Department: Parks and Recreation/Aquatics
Funds available: 51010256-503126
Funding source: General Fund
Total award: \$64,295.00

The Parks & Recreation and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award.

This is a Requirements Type Contract with an initial term of Twenty-Four (24) months.

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2004-310 PARKS AND RECREATION

This budget transfer requests an appropriation increase for the Armijo Recreation Center to continue the social events previously sponsored by Club Recuerdo. This social club has disbanded.

Increase	\$6,300	to	51510065/P50020716307/404301	Event Fees
Increase	\$ 800	to	51510065/P50020716307/502212	Security
Increase	\$4,000	to	51510065/P50020716307/502215	Cnts NOC
Increase	\$1,500	to	51510065/P50020716307/503115	Food & Bev

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2004-325 MUSEUM OF ART

To appropriate funds for part time Development Assistant within the Museum restricted account.

Increase	\$13,000	to	54500025/50105/501011	PT-Temp
Increase	\$ 850	to	54500025/50105/501129	FicaCtyMat
Increase	\$ 200	to	54500025/50105/501130	FicaMdCtyMat
Increase	\$ 180	to	54500025/50105/501100	Wrkrs Comp
Increase	\$14,230	to	54500025/50105/407002	Est Rev

*Motion made, seconded and unanimously carried to approve budget transfer BT2004-326 AIRPORT

Transfer of funds to cover continuing project to mill asphalt stored on Airport land to be re-used for environmentally approved projects.

Increase	\$500,000	to	62620029/PAP003041071/508027	Construction
Increase	\$500,000	to	62620029/PAP003041071/407001	IntrfdTrfIn
Increase	\$500,000	to	62620018/P50000241021/407002	Est Rev
Increase	\$500,000	to	62620018/P50000241021/507001	IntrfdTrfOut

*Motion made, seconded and unanimously carried to approve budget transfer BT2004-342 STREET

Maintenance and repair of parking meters.

Decrease	\$5,000	from	32010200/01101/503001	Gasoline
Increase	\$5,000	to	32010313/01101/503209	ParkMeterMnt

*Motion made, seconded and unanimously carried to approve budget transfer BT2004-343 OFFICE OF MANAGEMENT & BUDGET

To transfer City Marshal Program from Municipal Clerk to Police Department.

Decrease	\$19,540	from	11010011/01101/501011	PT Temp
Increase	\$19,540	to	21010052/01101/501017	PTTempCadet

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.88 (Architect-Engineer Selection Committee), of the El Paso Municipal Code, to revise the existing procedures to enumerate a new selection procedure.
- B. An Ordinance authorizing the City of El Paso to enter into a lease agreement with REM Golf Inc., for the purpose of operating a golf driving range with a clubhouse on a portion of Tract 1A, Block 1, Ascarate Grant, El Paso, El Paso County, Texas.
- C. An Ordinance granting a Special Privilege to John Geoske to temporarily close a portion of Cincinnati Avenue between Mesa Street and Stanton Street for a "Fat Tuesday", celebration on Tuesday, February 24, 2004 and Wednesday, February 25, 2004. (Fee: \$137.50, SP-04002)

PUBLIC HEARING WILL BE HELD ON FEBRUARY 17, 2004 FOR ITEMS A – C

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

*Motion made, seconded and unanimously carried to postpone one (1) week the discussion with the Public Service Board on El Paso's use of recycled and river water.

*Motion made, seconded and unanimously carried to delete the discussion and action regarding the appeal by Kenneth Reeves for Wingstop at 865 N. Resler Suite H on the denial of a license for the sale of alcoholic beverages due to the business's proximity to a commercial daycare in accordance with Section 20.08.090(B)(1) and 20.08.090(B)(4) of the El Paso Municipal Code.

*Motion made, seconded and unanimously carried to postpone one (1) week the discussion and action concerning the installation of multi-way (4 way) stop at the intersection of Broadway Drive and Pecan.

Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to approve the request of the Director of Purchasing to reject the bids submitted for Bid No. 2004-019 Aircraft Rescue & Fire Fighting Facility for the El Paso International Airport. The Purchasing Department and the Engineering Department recommend re-bidding since all bids received came in at +- 200% over the estimated construction budget. The project design will be revised and this item will be re-bid as requested by the Engineering Department.

Mr. Byron Johnson, Director of Purchasing, provided explanation regarding the rejection of the bids.

*Motion made, seconded and unanimously carried to delete an Ordinance amending Title 5 (Business Taxes, Licenses and Regulations), Chapter 5.90 (Security Alarm Systems), Section 5.90.020 (Permit-Required) to Increase the Fee to Obtain an Alarm System Permit. The Penalty Being as Provided in Sections 1.08.010 to 1.08.030 of the El Paso Municipal Code.

ORDINANCE 15678

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) TO ADD A NEW LOCATION ON TRADE CENTER WAY FROM DESERT BOULEVARD NORTH OF NORTHWESTERN DRIVE. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Lozano, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15679

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF ART MUSEUM REGISTRAR.**

Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to approve the above Ordinance.

Representative Cushing withdrew his motion to allow for public comment.

Mayor Joe Wardy questioned Ms. Terry A. Bond, Director of Personnel, regarding the revisions to the Museum of Art positions.

Ms. Bond responded that the chemicals, as listed in the job description, were not hazardous.

Motion made Representative Cook, seconded by Representative Cushing and unanimously carried to close the public hearings.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to close the public hearing for Ordinances 15679 through 15684.

Motion duly made by Representative Cushing, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power ad Rojas
NAYS: None Absent: None

Representatives Escobar and Cobos were not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15679 though 15684 were all considered together.

.....
ORDINANCE 15680

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF DEPUTY MUSEUM DIRECTOR.**

Please see Ordinance 15679 for discussion.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to close the public hearing for Ordinances 15679 through 15684.

Motion duly made by Representative Cushing, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power ad Rojas
NAYS: None Absent: None

Representatives Escobar and Cobos were not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15679 though 15684 were all considered together.

.....

ORDINANCE 15681

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF ART MUSEUM ASSISTANT CURATOR.**

Please see Ordinance 15679 for discussion.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to close the public hearing for Ordinances 15679 through 15684.

Motion duly made by Representative Cushing, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power ad Rojas
NAYS: None Absent: None

Representatives Escobar and Cobos were not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15679 though 15684 were all considered together.

ORDINANCE 15682

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF ART MUSEUM CURATOR.**

Please see Ordinance 15679 for discussion.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to close the public hearing for Ordinances 15679 through 15684.

Motion duly made by Representative Cushing, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power ad Rojas
NAYS: None Absent: None

Representatives Escobar and Cobos were not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15679 though 15684 were all considered together.

ORDINANCE 15683

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF MUSEUM PREPARATOR.**

Please see Ordinance 15679 for discussion.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to close the public hearing for Ordinances 15679 through 15684.

Motion duly made by Representative Cushing, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power ad Rojas
NAYS: None Absent: None

Representatives Escobar and Cobos were not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15679 though 15684 were all considered together.

ORDINANCE 15684

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF BUDGET SPECIALIST.**

Please see Ordinance 15679 for discussion.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to close the public hearing for Ordinances 15679 through 15684.

Motion duly made by Representative Cushing, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power ad Rojas
NAYS: None Absent: None

Representatives Escobar and Cobos were not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15679 though 15684 were all considered together.

ORDINANCE 15685

The City Clerk read an Ordinance entitled: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, REPEALING ORDINANCE 8276, WHICH AMENDED IN ITS ENTIRETY ORDINANCE 7145 WHICH ESTABLISHED AN EMPLOYEE SUGGESTION PROGRAM FOR THE CITY OF EL PASO.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Austin, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Rojas and Cobos
NAYS: None Absent: None

Representative Escobar was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15686

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 014800, WHICH AUTHORIZED THE CITY OF EL PASO TO ENTER INTO A LEASE AGREEMENT WITH MCCLATCHEY BROADCASTING COMPANY, DBA KELP 1590 CHRISTIAN RADIO, FOR THE PURPOSE OF AMENDING THE TERMS OF THE LEASE AGREEMENT DATED MARCH 27, 2001.**

Mr. Gonzalo Cedillos, Municipal Services, explained the amendment to the lease and responded to questions and/or comments made by Council Members.

Mr. Arnie McClatchey, owner, thanked the Council Members.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Lozano, seconded by Representative Rojas, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign an Amendment to the Contract between SANTOS ENTERPRISES, INC., First Party, and the CITY OF EL PASO, Second Party, amending the Contract imposed by Ordinance No. 8223 and dated November 20, 1984; to release Condition No. 2 on the property described as Block 25F and a portion of Block 26F, Alexander Addition, and a portion of F. W. Brown Survey #202, El Paso, El Paso County, Texas.

Mr. George G. Sarmiento, Director of Planning, Research and Development, explained the release of Condition No. 2 and noted that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) had recommended approval.

Mr. Leo Scott, R/L Real Estate representative, explained that the property would be utilized as one or several retail operation(s).

The City Clerk called for further public comment. There was no further public comment.

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

.....
Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to delete an Ordinance changing the zoning of property legally described as Fifty Feet on Santa Fe Street By One Hundred Twenty Feet on Paisano Drive SEC, Block 32, Mills Addition, El Paso, El Paso County, Texas (331 S. Santa Fe Street) from U-P (Union Plaza) TO U-P/H (Union Plaza/Historic). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: City of El Paso / Representative: City of El Paso Fire Department; 8600 Montana Avenue, El Paso, TX 79925. ZON03-00069.

Mr. George G. Sarmiento, Director of Planning, Research and Development, stated that the property would be utilized as the El Paso Fire Department Museum and office space and noted that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) had recommended approval.

Assistant Fire Chief Michael Widtfeldt noted that historic items were currently displayed at the Fire Department Headquarters, 8600 Montana.

Mayor Joe Wardy commented that the proposed site for the Fire Department Museum was also considered as the future site of either a transit terminal or an arena.

Mr. Matt Watson, Assistant City Attorney, provided legal advice.

.....
ORDINANCE 15687

The City Clerk read an Ordinance entitled: **ORDINANCE CHANGING THE ZONING OF LOTS 82 AND 83, LOS RANCHITOS, EL PASO, EL PASO COUNTY, TEXAS (5508 AND 5512 WILL RUTH AVENUE) FROM R-4 (RESIDENTIAL) TO C-1 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. George G. Sarmiento, Director of Planning, Research and Development, explained the rezoning request and noted that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) had recommended approval.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Lozano, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15688

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 9860 WHICH CHANGED THE ZONING OF LOTS 11, 12, AND THE NORTH 8' OF LOT 13, AND THE NORTH 60' OF THE VACATED ALLEY, BLOCK 31 (PARCEL 1), LOTS 17, 18, 19 AND 20, BLOCK 49 (PARCEL 2), WEST 60' OF LOT 11, AND ALL OF LOT 12, BLOCK 49 (PARCEL 3), CAMPBELL ADDITION, EL PASO, EL PASO COUNTY, TEXAS, AND WHICH IMPOSED CERTAIN CONDITIONS, BY DELETING THOSE CONDITIONS THEREOF. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. George G. Sarmiento, Director of Planning, Research and Development, explained that the proposed property was to be utilized by the El Paso Independent School District as a new elementary school.

Representative Cobos provided additional comments.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Lozano, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15689

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 9755 WHICH CHANGED THE ZONING OF THE EAST 54 FEET OF LOT 10, THE EAST 54 FEET OF THE NORTH 11 FEET OF LOT 9, AND THE SOUTH 9 FEET OF THE NORTH 20 FEET OF LOT 9, BLOCK 31, CAMPBELL ADDITION, EL PASO, EL PASO COUNTY, TEXAS, AND WHICH IMPOSED CERTAIN CONDITIONS, BY DELETING THOSE CONDITIONS THEREOF. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

*Motion made, seconded and unanimously carried to postpone two (2) weeks an Ordinance authorizing the City of El Paso to enter into a Joint Use Agreement with Wal-Mart Store East, Inc. for the purpose of granting each party certain easement rights and to undertake certain obligations in connection with a portion of Lot 5, Block 11, Vista Del Sol Unit 2, City of El Paso, El Paso County, Texas and a portion of Tract 3, Block 1, Ascarate Grant, City of El Paso, El Paso County Texas.

RESOLUTION

WHEREAS, the Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 2809 Brian Allin Drive, in El Paso, Texas, which property is more particularly described as follows:

Lot: 2, Block 193, Vista Del Sol Unit Thirty Three, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 47, Page 13, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Gerardo De La Cruz, 12604 Sun Terrace Avenue, El Paso, Texas 79938, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on February 3rd, 2004; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:

- a. That the structure located on said property is declared abandoned and unsecured, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
- b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, and disposal of refuse; and
- c. That the structure can be repaired.

2. That the City Council hereby orders Owner to comply with the following requirements:

- a. That the structure be secured within (30) days; and
- b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
- c. That the structure be maintained secure and the premises be maintained clean; and
- d. That the Owner of said structure is hereby ordered to comply with all requirements of the Resolution; and
- e. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the structure and maintain the structure secure and clean the premises of all weeds, trash, and debris; and

3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may secure the structure and maintain the structure secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and

4. That said Owner shall become personally liable for all costs incurred by City in connection with securing and maintaining the structure secure and cleaning the

premises of all weeds, trash and debris; and

5. That the costs incurred by the City in connection with securing and maintaining the structure secure and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
 - a. The City may perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgagees or lienholders to restore the structure so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and gave the department's recommendation(s).

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Power, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

Representative Austin was not present for the vote.

NOTE: There are no delinquent taxes.

RESOLUTION

WHEREAS, the Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structures located on the property at 10301 Dyer Street, in El Paso, Texas, which property is more particularly described as follows:

Lots: 31, 32, 33, 34, 35, 36, 37 and 38, Parkland Addition (First Supplemental Map)

are dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Dr. Luis R. Marioni, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on February 3rd, 2004; and

WHEREAS, Otis Leeper, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:

- a. That the structures located on said property are unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
- b. That the structures are not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- c. Since the owner has failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structures cannot be repaired.

2. That the City Council hereby orders Owner to comply with the following requirements:

- a. That the structures be removed or demolished within (30) days; and
- b. That the premises be secured and cleaned of all weeds, trash and debris within (30) days and the property be maintained clean and secure; and
- c. That the Owner of said structures is hereby ordered to comply with all requirements of the Resolution; and
- d. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the structures and clean the premises of all weeds, trash, and debris; and

3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may demolish the structures and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and

4. That said Owner shall become personally liable for all costs incurred by City in connection with demolishing the structures and cleaning the premises of all weeds, trash and debris; and

5. That the costs incurred by the City in connection with demolishing the structures and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
 - a. The City may perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgagees or lienholders to restore the structures so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and gave the department's recommendation(s).

Ms. Carmen Perez, attorney with Delgado, Acosta, Spencer, Linebarger, Heard & Perez LLP, provided legal advice regarding the delinquent taxes.

Mr. Oatis A. Leeper, real estate agent for the property owner, commented on the delinquent taxes and issues pertaining to the property.

The City Clerk called for further public comment. There was no further public comment.

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to approve the above Resolution.

NOTE: Delinquent taxes in the amount of \$8,582.79. Tax year 2003 property taxes in the amount of \$7,300.18 will go delinquent, if unpaid, on February 3, 2004.

.....
*Motion made, seconded and unanimously carried to postpone one (1) week the public hearing to determine if the property located at 3732 Tularosa Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated September 25th, 2003. The owners of this property, Rosa Irene Rocha and Ana Rocha Aragon, Individually and Ana R. Aragon, Independent Administratrix of the Estate of Mariana Rocha, Deceased, have been notified of the violations at this property. There are no delinquent taxes.

NOTE: Year 2003 taxes of \$862.55 will go delinquent, if unpaid, on February 3, 2004.

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ADDITION TO THE AGENDA

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Hotel Site Lease by and between the City of El Paso ("Lessor") and Mac Hotel Properties I, L. P. ("Lessee") for the property described as a portion of Lot 1, Block 19, El Paso International Airport Tracts, Unit 10, City of El Paso, El Paso County, Texas, containing approximately 3.5839 acres and more commonly known as the Hawthorn Suites Hotel.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Sixth Amendment to Lease Agreement by and between the City of El Paso ("Lessor") and Azar-Coleman Properties ("Lessee") concerning a Lease Agreement dated May 1, 1982 for the purpose of deleting a parcel of property containing approximately 3.5839 acres upon which the Hawthorn Suites Hotel is located.

.....
*Motion made, seconded and unanimously carried to appoint Carmen Contreras to Revolving Loan Fund Board by Mayor Joe Wardy.

.....
*Motion made, seconded and unanimously carried to approve the request authorizing to allocate \$1,050 to the El Paso Golden Gloves Tournament to cover the user fee of the Carolina Recreation Center from February 6-8, 2004, from the discretionary funds of:

- 1. Representative Robert Cushing, District 2: \$350
- 2. Representative Jose Alexandro Lozano, District 3: \$350
- 3. Representative Vivian Rojas, District 7: \$350

.....
*Motion made, seconded and unanimously carried to postpone three (3) weeks the following executive session item:

William McGrath, 03-C-255

.....
*Motion made, seconded and unanimously carried to postpone three (3) weeks the following executive session item:

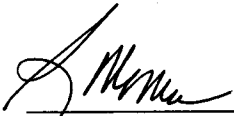
Jesus Luna, 03-C-123

*Motion made, seconded and unanimously carried to postpone three (3) weeks the following executive session item:

Esperanza Lopez, 03-C-257

.....
Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to adjourn this meeting at 10:30 a.m.
.....

APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk